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BOOK REVIEWS.

ASA B. KELLOGG, *Editor-in-Charge.*

WORK-ACCIDENTS AND THE LAW. By CRYSTAL EASTMAN, NEW YORK CHARITIES PUBLICATION COMMITTEE. 1910. Pp. xvi-345.

This is one of six volumes, under the general editorship of Paul N. Kellogg; and published by the Russell Sage foundation, setting forth the results of investigations as to the number, the causes and the consequences of work-accidents in the Pittsburg district. It is not a law treatise, but every lawyer can read it with profit, and every legislator ought to study it carefully. Its record of the toll in life and limb and earning power, which Pittsburg industry annually levies, is startling and is made very vivid by the pictures of the maimed and dependent with which the book abounds. Whether these pictures are relevant evidence in support of the principal thesis of the volume is quite another matter.

That thesis is, that this country is an inexcusable laggard in the "law of the killed and the injured." The editor-in-chief declares that "The Slavs of Austro-Hungary, the Latins from the Mediterranean provinces, the Germans with British-born, who come to Pittsburg to do the heavy work of manufacture, come from a region of law and order to a region of law made anarchy so far as the hazards of industry are concerned. For," he adds, "there is scarcely a country of modern Europe but has brought its statutes abreast of industrial progress and wrought out for itself, as we have not, some sensible adjustment between civil rights, human needs, and the ceaseless operations in which groups of men and powerful appliances are joined in producing what the world wants." Is it not a little strange that this laggard land, this region of law made anarchy, should make the irresistible appeal it does to the working classes in the Slavonic and Latin countries of law and order, across the sea?"

Evidently the author of this volume is not quite as critical of home institutions as is her editor-in-chief. While she suggests that "it may be a shame to us to be so far behind" other countries in industrial legislation, she unhesitatingly asserts that it is a distinct advantage to have the new laws in actual operation before us. "Europe can be our laboratory." And much of the volume is devoted to a discussion of the relative merits of European statutes on the subject before us, and of their suitability to our conditions. Considerable space, also, is devoted to the legislation which has already been enacted in this country, modifying the rules of the common law applicable to industrial accidents. The Appendix, especially, has a good deal of valuable material bearing on this topic. To the lawyer, the least satisfactory part of the volume is that which purports to set forth the rules of the common law and their baleful consequences to the injured workmen. For example, we are told that "in most states the burden of proving the absence of contributory negligence on his own part as well as the burden of proving negligence on the part of the defendant rests upon the plaintiff" (p. 170 note). In fact, the great majority of our states treat contributory negligence as an affirmative defense. Again, we are told that only one-third of work-accidents are due to the negligence of the workmen (p. 165). On the other hand, the author of a standard treatise On

Contributory Negligence (Beach, § 423) assures us that the statistics of litigation show that the harms sustained by six out of every seven persons suing in negligence, are due to their "own concurring and participating default."

F. M. B.

THE FRANKPLEDGE SYSTEM. By WILLIAM ALFRED MORRIS. New York. LONGMANS, GREEN & Co. (Harvard Historical Series, XIV). 1910. Pp. xiii-194.

This book, the first systematic study of the frankpledge system in its divers aspects, is as interesting and withal as scholarly and worthy a production as has graced the reviewer's table in a long while. It illustrates nearly to perfection the function of the intensive monograph in modern scholarship. The writer exhibits, moreover, a profound and remarkably thorough grasp not merely of his immediate subject, but of allied social, economic and—*mirabile dictu*—of legal questions as well.

The origin, the distribution, the organization and functions, and the decline of frankpledge are successively traced. The author finds in the Saxon institution of the "bohr," the genesis of the element of suretyship and reciprocal responsibility so prominent in frankpledge. In the quite distinct Saxon institution of the "tithing," he finds the germs of the police element in frankpledge and of the grouping by tens. A particularly useful feature of the work to the student of jurisprudence is the comprehensive insight afforded the reader, into English local government between the days of William I and of Edward I, especially as regards the enforcement of the criminal law and the manner of pursuit and detention of wrongdoers. Even in these days of legal and juridical Philistinism and Materialism, such a very distinct contribution as this is, has its unquestioned value. In fact, English legal history, as a whole, deserves more than the merely perfunctory attention at present usually accorded to it in schools of law; the political scientist and the historian of to-day are doing the research which might equally and very reasonably be expected from students of the law, and this very work serves to emphasize, and to make the lawyer keenly conscious of, the fact.

Style and literary polish have not been unduly sacrificed by Prof. Morris. The book is a noteworthy example of the absolute possibility of treating a highly technical subject in a fluent and, one might almost say, refreshing manner. It is quite up to the high standard already set by the Harvard Historical Series and makes one sincerely wish that the late Prof. Gross, to whom the book is dedicated, might have been longer spared to us to the end that still more scholars might have been inspired by his teaching and example.

I. M. W.

THE LAW AND PRACTICE IN BANKRUPTCY UNDER THE NATIONAL BANKRUPTCY ACT OF 1898, by WM. MILLER COLLIER, Eighth edition, by FRANK B. GILBERT, Published by MATTHEW BENDER & Co., Albany, 1910.

The reason for this new edition of a standard treatise is stated in the preface to be "the important amendments to the Bankruptcy Act by the Act of June 25, 1910." As the preface says, these amendments "are far reaching in effect, and completely nullify many decisions which were controlling in the several jurisdictions." We do not deny that this cast a duty on the publishers of "Collier" to get out a new edition. But it was also incumbent upon this new edition to elucidate